



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

BOARD ORDER

IN THE MATTER OF

INDUSTRIAL METAL RECYCLING, INC)	
23 WILLOW STREET)	ADMINISTRATIVE CONSENT
AUGUSTA, MAINE)	AGREEMENT
KENNEBEC COUNTY)	(38 M R S.A. § 347-A)
PROHIBITED DISCHARGE OF OIL)	

This Agreement, by and among Industrial Metal Recycling, Inc., the Maine Board of Environmental Protection (the "Board"), and the State of Maine, Office of the Attorney General ("AG") is entered into pursuant to 38 M R S A , section 347-A(1) and in accordance with the Maine Department of Environmental Protection's ("Department") Administrative Consent Agreement Policy, as amended

THE PARTIES AGREE AS FOLLOWS:

1. Industrial Metal Recycling, Inc ("Industrial Metal") owns a parcel of land located at 23 Willow Street in Augusta, Maine as described and recorded in Book 6448 on Pages 1 to 9 of the Kennebec County Registry of Deeds
2. Industrial Metal is a Maine corporation authorized to conduct business in Maine and which operates a metal recycling business on the property described in paragraph 1 of this Agreement. Peter McAvoy is the President of Industrial Metal
3. Throughout the period of time addressed by this Agreement, Industrial Metal was subject to Maine's *Oil Discharge Prevention and Pollution Control* laws, 38 M.R.S.A. , sections 541-560
4. On June 17, 2005, the Department received a telephone call reporting that a heavy oil sheen was visible on the Kennebec River. Department staff responded to the call and identified Industrial Metal located at 23 Willow Street in Augusta, Maine, as the source of the spill. During the Department's investigation of the spill, staff learned that Industrial Metal had received numerous transmissions earlier in the day which were leaking oil. The transmissions were stored on the ground and rain caused the oil to wash through a drainage swale to the Kennebec River. Department staff calculated that approximately thirty (30) gallons of oil was released from the Industrial Metal facility into the Kennebec River. Department personnel, with some assistance from Industrial Metal, undertook clean-up of the spill. The Department incurred clean-up expenses in the amount of \$340.00, which have been paid by Industrial Metal.

INDUSTRIAL METAL RECYCLING, INC)	ADMINISTRATIVE
23 WILLOW STREET)	CONSENT AGREEMENT
KENNEBEC COUNTY)	(38 M R S A § 347-A)
OIL SPILL PREVENTION AND)	
PROHIBITED DISCHARGE OF OIL)	

- 5 Pursuant to Maine's *Oil Discharge Prevention and Pollution Control Laws*, 38 M R S A § 543, the discharge of oil into or upon any lake, pond, river, stream, sewer, surface water drainage, ground water or other waters of the State or any public or private water supply or onto lands adjacent to, on, or over such waters of the State is prohibited. By discharging oil into the Kennebec River, Industrial Metal violated 38 M R S A § 543.
- 6 Pursuant to Maine's *Oil Discharge Prevention and Pollution Control Laws*, 38 M R S A § 548, any person discharging or suffering the discharge of oil in the manner prohibited by section 543 shall immediately undertake to remove that discharge to the commissioner's satisfaction. By failing to immediately undertake to remove the discharge of oil into the Kennebec River, a discharge prohibited by section 543, to the commissioner's satisfaction, Industrial Metal violated 38 M.R.S A § 548.
- 7 On February 2, 2006, the Department issued a Notice of Violation to Industrial Metal for the violations described in paragraphs 5 and 6 of this Agreement, in conformance with 38 M R S A., section 347-A(1)(B).
- 8 The Notice of Violation required Industrial Metal to submit to the Department for review and approval a Best Management Practices ("BMP") plan providing for the inspection of loads of transmissions, motors or other items which may contain liquid including oil, before being accepted by Industrial Metal. Industrial Metal submitted the BMP on August 28, 2006, which was reviewed and approved by the Department.
- 9 To resolve the violations described in paragraphs 5 and 6 of this Agreement, Industrial Metal agrees to immediately upon signing this Agreement, pay to the *Treasurer, State of Maine c/o Maine Coastal and Inland Surface Oil Clean-up Fund* the sum of four thousand four hundred dollars (\$4,400.00) as a civil monetary penalty.
- 10 The Board and the State of Maine Attorney General grant a release of their cause of action against Industrial Metal for the specific violations listed in paragraphs 5 and 6 of this Agreement on the express condition that all actions listed in paragraph 9 above are completed in accordance with the express terms and conditions of this Agreement, except that no release is granted for any contamination of air, surface waters, ground waters, or soils as a result of the operation of the subject facility or related activities. Nothing in this Agreement shall prevent the Department from requiring additional corrective action if the Department determines that such action is necessary to protect public health, safety or the environment. Nothing in this Agreement shall prevent the Department from seeking recovery of its investigation and clean up costs pursuant to Maine law. The release shall not become effective until all requirements of this Agreement are satisfied.

INDUSTRIAL METAL RECYCLING, INC)
23 WILLOW STREET)
KENNEBEC COUNTY)
OIL SPILL PREVENTION AND)
PROHIBITED DISCHARGE OF OIL)

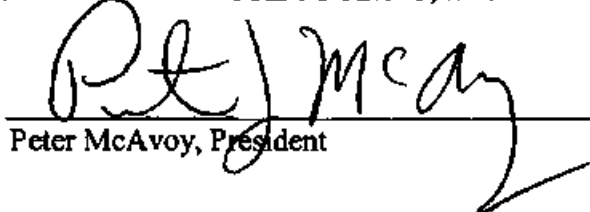
ADMINISTRATIVE
CONSENT AGREEMENT
(38 M R S A § 347-A)

11. This Agreement shall become effective only if it is accepted by the Board and approved by the Attorney General
12. Non-compliance with this Agreement may lead to an enforcement action by the AG, pursuant to 38 M.R.S.A., sections 347-A(5) and 348.
13. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all applicable local, state, and federal laws, including but not limited to, permitting or licensing requirements

IN WITNESS WHEREOF the parties hereto have executed this Agreement of three (3) pages

INDUSTRIAL METAL RECYCLING, INC

BY:


Peter McAvoy, President

DATE

12-1-06

BOARD OF ENVIRONMENTAL PROTECTION

BY:

Matthew Scott, CHAIR

DATE

SEEN AND AGREED TO

STATE OF MAINE

BY:

Mary Sauer, Assistant Attorney General

DATE